

JUL-13-04 TUE 02:14 PM LITTLETON COIN

FAX:603 444 6119

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07/09/2004 15:58 FAX 212 382 1255

OSTROLENK, FABER

001

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036-8403

TEL 212 382 0700 FAX 212 382 0888 FAX 212 398 0681

email@ostrolenk.com

PARTNERSSAMUEL H. WEINER
ROBERT C. FABER
MAX MOSKOWITZ
JAMES A. FINDER
WILLIAM C. GRAY, III
LOUIS C. DUMMICH
CHARLES P. LAPOLLADOUGLAS A. MIRO
ALFRED R. FARRICANT
MARC LIEBERSTEIN
LAWRENCE C. DRUCKER**ASSOCIATES**PETER B. SLOANS
MARY G. FONTENOT
JOEL L. FELDER**
BRENDAN J. KENNEDY**
KOURTSE SALEHI**
DOUGLAS Q. HAINYJ. ANTHONY LOVINSHEIMER
CHRISTOPHER PARADISE, FIELD
BRYAN N. DEMATTEO**OF COUNSEL**MARTIN HENNER
LEON ZEITLIN*
LAWRENCE A. ROFFMAN
MARTIN J. DEBAN
PAUL GRANDONETTI*
JOSEPH L. ZITO*
KLAUS P. STOFFEL
MARK A. FARLEY**WASHINGTON OFFICE**1714 K STREET, N.W.
WASHINGTON, D.C. 20005
TEL 202 457 7783
FAX 202 459 1010*DC BAR
CONNECTICUT BARFACSIMILE TRANSMITTAL SHEET**DATE: July 9, 2004NUMBER OF PAGES, INCLUDING COVER: 19

TO:

NAME/COMPANY	FACSIMILE NO.	
David Sundman Littleton Coin Company, Inc.	(603) 444-0121	<input type="checkbox"/> SUCCESSFULLY FAXED
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FROM: Marc A. LiebersteinOFGS FILE NO.: 7/4559-3RETURN TO: Maria Ding**IF YOU DID NOT RECEIVE ALL THE PAGES, PLEASE PHONE (212) 382-0700 AS SOON AS POSSIBLE.**

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MESSAGE:

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OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036-8403

TEL 212 382 0700 FAX 212 382 0888 FAX 212 398 0681

email@ostrolenk.com

PARTNERSSAMUEL H. WEINER
ROBERT C. FABER
NAN MOSKOWITZ
JAMES A. FINDER
WILLIAM O. GRAY, III
LOUIS C. DUDACH
CHARLES F. LAPOLLADOUGLAS A. MIRO
ALFRED R. FABRICANT
MARC LIEBERSTEIN
LAWRENCE C. DRUCKER**ASSOCIATES**CHARLES C. ACKER, Ph.D.
PETER S. SLOANE
MARY G. FONTENOT
JOEL J. FELSEK*
BRENDAN J. KENNEDY**
KOUROSH SALEHI**DOUGLAS O. HAHN
J. ANTHONY LOVENSHEIMER
CHRISTOPHER PARADIES, Ph.D.
RYAN N. DEMATTEO**OF COUNSEL**MARTIN PFEFFER
LEON ZITVER*
LAWRENCE A. HOFFMAN
MARTIN J. HERAN
PAUL GRANDINETTI*
JOSEPH J. ZITO*
KLAUS R. STOFFEL**DC BAR****CONNECTICUT BAR
WASHINGTON OFFICE
1725 K STREET, N.W.
WASHINGTON, D.C. 20006
TEL 202 437 7785
FAX 202 429 8919Writer's direct line
(212) 596-0323

July 9, 2004

VIA FACSIMILE - (603) 444-0121David Sundman
President
Littleton Coin Company, Inc.
1309 Mt. Eustis Road
Littleton, NH 03561-3735Re: OFGS Ref.: 7/4559-3
National Collector's Mint, Inc.
v. Quality Spraying, et al.
Civil Action No.: CV04-4277 DT (RNBx)

Dear Mr. Sundman:

Our law firm is counsel to National Collector's Mint, Inc. ("NCM"). NCM is the exclusive licensee of The Ronald Reagan Presidential Library Foundation ("Foundation") for use of the name, likeness and image of President Ronald Reagan ("the Reagan Image") on coins and medals as identified in Exhibit A to NCM's agreement with the Foundation attached as Exhibit 1 to this letter.

On Tuesday, June 15, 2004, NCM commenced a law suit against several entities alleging that they are infringing the rights that NCM owns under the agreement with the Foundation. On June 16, 2004, the District Court entered a Temporary Restraining Order enjoining all defendants from selling infringing products bearing a colorized Reagan Image. A copy of the Temporary Restraining Order is attached as Exhibit 2 to this letter.

On July 1, 2004 the parties in the above-referenced case entered into consent judgments that have been signed by the Court. A copy of one of the Consent Judgments is attached hereto

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Littleton Coin Company, Inc.
July 9, 2004
Page 2

for your review as Exhibit 3. Pursuant to the Consent Judgments, the Court and the parties recognized that NCM "has valid, enforceable exclusive rights . . . to use the name, likeness and/or image of the late President Ronald Reagan on certain collectable coins and products identified in Exhibit 1 attached hereto (the "Exclusive Products"). Also in the Consent Judgment, the defendants agreed to be permanently enjoined from among other things, "using the Exclusive Products" . . . and "from possessing, receiving, manufacturing, distributing, advertising, promoting, returning, offering for sale or otherwise disposing or in any manner, holding for sale or selling the Exclusive Products." One defendant, Unified Precious Metals, Inc. d/b/a American Historic Society ("AHS"), also settled with NCM, and acknowledged the validity of NCM's Exclusive rights to the use of the Reagan Image on U.S. Mint medals covered in gold or silver. AHS is now licensed by NCM to sell such products.

It has just come to NCM's attention that you are offering to sell medals which infringe NCM's exclusive rights. A copy of your advertisement promoting the sale of the infringing medals bearing the Reagan Image is attached as Exhibit 4 to this letter.

The sale of these Reagan Image products constitutes a violation of NCM's rights in the Reagan right of publicity, as well as, false designation of origin and unfair competition under United States federal and state laws.

We therefore request that within three (3) days of receipt of this letter, you provide us with written assurances that you will discontinue the promotion and sale of any coins and /or medals bearing the Reagan Image that fall within the scope of Exhibit 1. If we do not hear from you, NCM will immediately seek a restraining order against your ongoing activities.

NCM is willing to engage in discussions to resolve this matter amicably. If you or your counsel are so inclined, please immediately contact the undersigned at 212/382-0700.

Sincerely,

OSTROLENK FABER GERB & SOFFEN, LLP



Marc A. Lieberstein

MALJAL
Attachments (Exhs. 1-4)

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Exhibit 1

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EXHIBIT A

The seven collectible Programs referred to in Section C of the Agreement are concepts in progress, as follows:

1. Colorized United States legal tender coins -- The likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency in color photos or renderings on an American Eagle Bullion Coin, Statehood quarters and/or other coinage.
2. One or more new foreign legal tender coins featuring the likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency.
3. Coin and currency replicas struck in gold and silver foil and/or in solid metal or covered with gold or silver featuring the likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency.
4. U.S. Mint medals (which have been specifically excluded from the medallion exclusivity granted in the Foundation's contract of December 20, 2000) covered in gold and/or silver or colorized featuring the likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency.
5. Flag of Honor featuring the likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency.
6. Regular or oversize paperweight glass or acrylic featuring the likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency.
7. Presidential Portrait Doll featuring the likeness of President Ronald W. Reagan and/or key historic moments or elements of his presidency.

3/27/04

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Exhibit 2

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07/09/2004 18:00 FAX 212 382 1235

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07/15/2004 12:50 FAX 415 391 7124

HARVEY SISKIND JACOBS

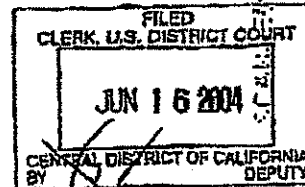
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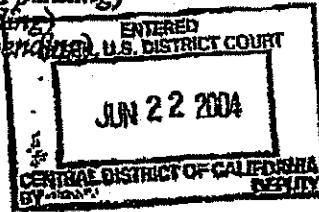
AS REQUIRED BY FRCP RULE 77(c)

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AS REQUIRED BY FRCP RULE 77(c)

1 HARVEY SISKIND JACOBS LLP
2 D. PETER HARVEY (State Bar No. 55712)
3 IAN K. BOYD (State Bar No. 191434)
4 Four Embarcadero Center, 39th Floor
San Francisco, California 94111
Telephone: 415.354.0100
Facsimile: 415.391.7124



5 OSTROLENK FABER GERB & SOFFEN, LLP
6 MARC A. LIEBERSTEIN (pro hac vice pending)
7 MARTIN I. BERAN (pro hac vice pending)
8 MARY G. FONTENOT (pro hac vice pending)
9 1180 Avenue of the Americas
New York, New York 10036
Telephone: 212.382.0700
Facsimile: 212.398.0681



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10 Attorneys for Plaintiff
National Collector's Mint, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

NATIONAL COLLECTOR'S MINT,
INC.

Plaintiff,

vs.

19 QUALITY SPRAYING,
20 ASSET MARKETING SERVICES, INC.
21 d/b/a NEXTTEN,
22 UNITED PRECIOUS METALS, INC.
23 d/b/a AMERICAN HISTORIC
24 SOCIETY,
W.F. SCOTT & CO.,
25 NOMAD INDUSTRIES, and
26 DOES 1-10,
27
28

Defendants.

BY FAX

CV 04-4277 DT (ENT)

[PROPOSED] TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE
WHY A PRELIMINARY
INJUNCTION SHOULD NOT
ISSUE

Before: Hon.

Date: 6/30/04

Time: 9:00 AM

Courtroom:

[PROPOSED] TRO AND OSC WHY A
PRELIMINARY INJUNCTION SHOULD NOT ISSUE

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08/15/2004 12:50 FAX 415 391 7124

HARVEY SISKIND JACOBS

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1 This matter came on for determination before the Honorable DICKENSON T. RIZZO
 2 on June 16, 2004, upon the *ex parte* application of Plaintiff National Collector's Mint,
 3 Inc. ("NCM") for a temporary restraining order and Order to Show Cause Why a
 4 Preliminary Injunction Should Not Issue. After hearing the evidence and argument of
 5 counsel, the Court finds that:

- 6 a) NCM has demonstrated a strong likelihood of success on the merits;
- 7 b) NCM will be irreparably harmed in the absence of the requested
- 8 relief;
- 9 c) The requested relief will not cause disproportionate hardship to
- 10 others; and
- 11 d) The public interest favors granting the requested relief.

12 Accordingly, the Court hereby grants NCM's application for a temporary restraining
 13 order.

14 For good cause therefor appearing, it is **ORDERED** as follows:

- 15 1. Defendants Quality Spraying, Asset Marketing Services, Inc. d/b/a
- 16 Nextten, United Precious Metals, Inc. d/b/a/ American Historic Society; W.F. Scott &
- 17 Co., and Nomad Industries, and all of their officers, directors, agents, servants,
- 18 employees, attorneys, affiliates, parents, subsidiaries, and assigns (collectively,
- 19 "Defendants"), and all those persons in active concert or participation with them, be
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[PROPOSED] TRO AND OSC WHY A
 PRELIMINARY INJUNCTION SHOULD NOT ISSUE

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HARVEY SISKIND JACOBS

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1 forthwith preliminarily and thereafter permanently enjoined and are hereby restrained
 2 and enjoined from:

3 *soliciting any orders*
 4 a. Making, using, or shipping any products bearing the image of *PRODUCTS CONTAINED IN EXHIBIT "F" AS*
 5 President Ronald Reagan ("Reagan Image") that are identical or similar to the *DEPICTED IN EXHIBIT "F" AS CONTAINED IN*
 6 *PLAINTIFF'S COMPLAINT ON FILE HEREIN,*
 7 *namely, colorized United States legal tender coins; foreign legal*
 8 tender coins; coin and currency replicas in gold and silver foil and/or in solid metal or
 9 covered with gold or silver; *via any*

10 *commercially available means, including, the Internet or through any retail or mail order*
 11 *or television promotional outlet (collectively, "NCM Exclusive Products");*
 12 *DEPICTED IN EXHIBIT "F" AS CONTAINED IN*
 13 *PLAINTIFF'S COMPLAINT ON FILE HEREIN*

14 b. From displaying or otherwise using the Reagan Image on identical
 15 or similar NCM Exclusive Products in any way in connection with any advertising,
 16 marketing, or distributing of or soliciting of customers for versions of the NCM
 17 Exclusive Products;

18 *accepting or*
 19 c. From filling any orders for any products which were sold or for
 20 which sales were solicited for Defendants' unauthorized products bearing the Reagan
 21 *CONTAINED IN EXHIBIT "F"*
 22 Image prior to the date of this Order; and

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HARVEY SISKIND JACOBS

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2. IT IS FURTHER ORDERED that Defendants are required to segregate and preserve all proceeds, and all documents related thereto, from all orders for any products which have been sold using the Reagan Image, for identical or similar NCM Exclusive Products or other related products and to hold such proceeds and documents either for seizure or in trust to be delivered to NCM as the Court may order;

4. IT IS FURTHER ORDERED that Defendants be required to cancel any orders for Defendants' unauthorized products sold bearing the Reagan Image that are identical or similar to the NCM Exclusive Products;

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HARVEY SISKIND JACOBS

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6. Defendants provide a written certification to the Court containing a detailed inventory of each product bearing the Reagan Image that is ^{depicted in Exhibit A attached to Plaintiff's Complaint on file herein} [REDACTED] in Defendants' possession; [REDACTED]

7. Defendants are hereby ORDERED TO SHOW CAUSE why they should not be preliminarily enjoined in the manner set forth above. A hearing on NCM's motion for preliminary injunction is scheduled for 6/30/04 @ 9:00 AM. NCM's application for a Temporary Restraining Order, Complaint and application/request [REDACTED] on all Defendants for a preliminary injunction shall be filed and served by hand or fax, with overnight delivery, by no later than 6/28/04 @ 3:00 PM; any opposition by Defendants to the motion for preliminary injunction shall be filed and served by hand or fax, with overnight delivery, by no later than 6/28/04 @ 3:00 PM. NCM's reply brief shall be filed and served by hand or fax, with overnight delivery, by no later than 6/29/04 @ 1:00 PM.

8. This Order shall be effective immediately upon NCM posting a bond for \$5000 with the Clerk of the Court. 24 hours to post the bond.

9. A copy of this Order and Temporary Restraining Order shall be served by hand or fax with an overnight delivery by no later than 6/21/04 @ 5:00 PM.

Dated: June 16, 2004

DICKRAN TEVRIZIAN

United States District Court

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NextTen - Ronald Reagan - His Faith in America Uplifted An Entire Nation

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NEXTTEN

products for your next ten years.

Top Sellers

About NextTen

Product Reviews

Customer Service

Search

Home

Classic Watches

Sport Watches

Clocks

Health/Sleep Products

Personal Grooming

Lamps & Lighting

Binoculars & Optics

Home Innovations

Luggage & Travel

Electronics & Games

Sport Collectibles

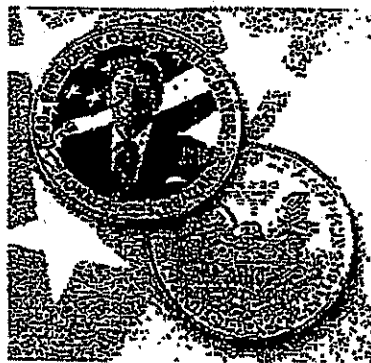
Coin Collectibles

Memorabilia

Gifts & Jewelry



His Faith in America Uplifted An Entire Nation



411496 - 2004 Ronald Reagan
Presidential Silver Eagle
Price: \$39.50

Quantity: [Add to cart](#)

- Features a full-color portrait of President Reagan
- Struck in a full ounce of .999 pure silver
- Legal Tender 2004 American Silver Eagle

[Click to enlarge!](#)

Ronald Reagan

Many are calling him the greatest and most beloved President of the 20th century. "Dutch" Reagan revived the American Spirit and lifted up the American people. As our 40th President, he inherited a disillusioned nation shackled by rampant inflation, high taxes, the Cold War and turned it into a "bright shining light on a hill."

Reagan's Strength and Character

His vision of what America could be gave a nation the courage to defeat Communism and to begin the greatest economic expansion in US history. He had the courage and will to stare down the Soviet threat. When Reagan said, "Mr. Gorbachev, tear down this wall!" many thought that it was just rhetoric but within a few short years, the Soviet bloc was moving peacefully towards Democracy.

He was tough enough to survive a near-fatal assassination attempt. And, after he completed 8 successful years in the White House, he continued to show his strength and resolve in his long and courageous battle with Alzheimer's disease.



Presidential Silver Eagle

To honor this great man - the great American - The First Federal Mint has created a stunning full-color image of President Reagan on a gleaming 2004 U.S. Silver Eagle. This is HIS image on America's largest silver dollar - a 40.6 mm coin struck in one full ounce of .999 silver! It handsomely displays the man of strength and wisdom. This private limited edition is fully encapsulated for its protection. It's truly a spectacular work of art in precious silver that pays tribute to the "Gipper."

Order Now and Save!

Orders will be on a first-come first-served basis and each order will be time-dated to assure that collectors will be prioritized. It is essential to order now to avoid disappointment. Collectors are urged to secure their limited edition Reagan Presidential Silver Eagle today!

My Shopping Cart

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in cart[CHECK OUT](#)

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<http://www.nextten.com/coins/reagan.aspx>

EXHIBIT F

6/14/2004

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Exhibit 3

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Exhibit B

HARVEY SISKIND JACOBS LLP
D. PETER HARVEY (State Bar No. 55712)
IAN K. BOYD (State Bar No. 191434)
Four Embarcadero Center, 39th Floor
San Francisco, California 94111
Telephone: 415.354.0100
Facsimile: 415.391.7124

OSTROLENK FABER GERB & SOFFEN, LLP
MARC A. LIBERSTEIN (*pro hac vice pending*)
1180 Avenue of the Americas
New York, New York 10036
Telephone: 212.382.0700
Facsimile: 212.382.0888

Attorneys for Plaintiff
National Collector's Mint, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

NATIONAL COLLECTOR'S MINT,
INC.

Plaintiff,

vs.

QUALITY SPRAYING,
ASSET MARKETING SERVICES, INC.
d/b/a NEXITTEN,
UNIFIED PRECIOUS METALS, INC.
d/b/a AMERICAN HISTORIC
SOCIETY,
W.F. SCOTT & CO.,
NOMAD INDUSTRIES, and
DOES 1-10,

Defendants.

Civ. Action No.
CV04-4277 DT (RNBx)

**FINAL JUDGMENT
ON CONSENT AND
PERMANENT
INJUNCTION**

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1 This civil action having come on before the Court between Plaintiff National Collectors, Inc.
2 ("NCM") and Defendant Asset Marketing Services, Inc. together with First Federal, LLC d/b/a NextTen
3 (collectively "Asset Marketing Services") and the Court being advised that the parties have settled their
4 differences in, and have agreed to the termination of, this civil action in accordance with a Settlement
5 Agreement and this Final Judgment on Consent and Permanent Injunction and the entry thereof;

6 NOW, THEREFORE, upon the consent of all of the parties hereto, it is hereby ORDERED,
7 ADJUDGED AND DECREED that:

8 1. This Court has jurisdiction over the subject matter of, and the named parties herein to this
9 action, and venue of this action is properly brought in this District.

10 2. NCM has valid, enforceable exclusive rights (the "Exclusive Rights") to use
11 the name, likeness and/or image of the late President Ronald Reagan on certain collectable coins and
12 products identified in Exhibit 1 attached hereto (the "Exclusive Products").

13 3. Subject to the terms of the Parties Settlement Agreement, Defendant Asset Marketing
14 Services consents to the entry of this Final Judgment on Consent and Permanent Injunction pursuant to Rule
15 65 Fed. R. Civ. P., having the same force and effect as a full, fair and final adjudication on the merits,
16 enjoining and restraining Defendant, its officers, agents, servants, employees, licensees, representatives,
17 heirs, successors, assigns, attorneys and any and all affiliated companies or individuals, and upon those
18 persons in active concert or participation with them who receive actual notice of the order by personal
19 service or otherwise:

20 a. From using the Exclusive Products;

21 b. From possessing, receiving, manufacturing, distributing, advertising, promoting,
22 returning, offering for sale or otherwise disposing of in any manner, holding for sale or selling the Exclusive
23 Products;

24 c. From possessing, receiving, manufacturing, distributing, advertising, promoting,
25 returning, offering for sale or otherwise disposing of in any manner, holding for sale or selling any goods,
26 including but not limited to collectible coins or medals, or the like bearing a copy or colorable imitation of
27 the Exclusive Products;

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1 d. From possessing, receiving, manufacturing, distributing, advertising,
2 promoting, returning, offering for sale or otherwise disposing of in any manner, holding for sale or selling
3 any labels, tags, logos, decals, emblems, signs, and other forms of markings, any packaging, wrappers,
4 pouches, containers and receptacles, and any catalogs, price lists, advertisements, promotional materials and
5 the like bearing a copy or colorable imitation of the Exclusive Products;

6 e. From using any logo, trade name, trademark, designation or notation which may be
7 calculated to falsely represent or which has the effect of falsely representing that the services or products
8 of Defendant are licensed by, sponsored by, authorized by, or in any way associated with Plaintiff;

9 f. From infringing the Exclusive Rights;

10 g. From otherwise unfairly competing with Plaintiff;

11 h. From falsely representing themselves as being connected with Plaintiff or sponsored
12 by or associated with Plaintiff;

13 i. From using any reproduction, counterfeit, copy, or colorable imitation of the
14 Exclusive Products in connection with the publicity, promotion, sale, or advertising of goods sold, offered
15 for sale and/or distributed by Defendant including, without limitation, collectible coins, medals or the like,
16 bearing a copy or colorable imitation of the Exclusive Products;

17 j. From affixing, applying, annexing, or using in connection with the sale offer for sale,
18 and/or advertising of any goods, a false description or representation, including the Exclusive Products,
19 words or other symbols tending to falsely describe or represent such goods as being those of Plaintiff and
20 from offering such goods in commerce;

21 k. From assisting, aiding or abetting any other person or business entity in engaging in
22 or performing any of the activities referred to in subparagraphs (a) through (j) above.

23 4. Each party shall bear their own attorney's fees and costs;

24 5. All claims and counterclaims asserted, or that could have been asserted, in this action are
25 hereby dismissed with prejudice; and

26 6. This Court shall retain jurisdiction over the parties for the purposes of enforcing the
27 Settlement Agreement and this Final Judgment on Consent and Permanent Injunction.
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Exhibit 4